

**REMARKS**

Claims 7-11 are objected to as depending on a rejected base claim. Claim 7, 10 and 11 have been rewritten in independent form to include the limitations of base claim 1 and any intervening claims. Claims 8 and 9 depend on claim 7 and are also allowable.

Claims 1-6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Howard (U.S. Patent No. 6,694,763). Claims 1 and 6 have been cancelled. Claims 2-5 have been amended to depend on allowed claim 7. Claims 12-21 depend on claims 7, 10 and 11 and are also allowable.

New claim 22 is not anticipated by Howard. Howard does not disclose regulating the high pressure of a vapor compression system by adjusting a flow rate of the fluid exchanging heat with the high pressure refrigerant. Howard discloses a control system for a transcritical vapor compression system. The operation of the compressor is adjusted to provide an operating parameter of the compressor with an efficient value. Howard does not disclose that the flow rate of the fluid that exchanges heat with the high pressure refrigerant is adjusted to regulator the high pressure of the system. Claim 22 is not anticipated, and Applicant requests that the rejection be withdrawn.

Claims 2-5 and 7-22 are in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. \$84.00 for one additional independent claim. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**



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**CERTIFICATE OF MAILING**

I hereby certify that the attached response is being deposited with the U.S. Postal Service as First Class Mailing, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 22, 2004.



Amy M. Spaulding